IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

J.C. individually, and all others similarly situated :

Civil Action

v. 21-12361

David Locha, David L. Henriquez, Jane Doe,Nicholas Episcopo,David Bolla Mary Beth Daisey,Jennifer Hammill, Jonathan Biondi,Richard Dinan,Casey Woods Jewell Battle; Phoebe Haddon; Kevin Pitt Rutgers University,aka Rutgers-Camden "University"

RULE 59(E) MOTION FOR RECONSIDERATION OF MARCH 9TH AND 10TH GARBAGE

This will easily be summarized right now, 1) you are human scum 2) the case should have been randomly reassigned before anything you have (not surprisingly) completely ignored that 3) you are disqualified-mandatory, must . You have a suit coming very soon- this is this last time I'm going to mention it. You have further litigation here. You have a complaint here, coming with the Board, Bar association. You're entire negative history- which is your entire history is going online and you're not going to get rid off it. I know everything about you, all of this frivolous prosecutions, mostly politically based, all of the baseless filings and moves.

I. Scope Of Review Rule 59e

"A motion for reconsideration performs a valuable function" in law. Arington v. The County Of Dekalb, (N.D. Ind. Mar. 22nd, 2006). A motion for reconsideration is proper for factual and legal matters that may (were here) have overlooked. Glendon Energy Co. v. Borough of Glendon, 836 F. Supp. 1109, 1122 (E.D. Pa. 1993). It doesn't say whether it must be

unintentional or not. In the context of a motion to reconsider manifest injustice simply "means that the Court overlooked some dispositive factual or legal matter that was presented to it.'" In re Rose, 2007 U.S. Dist. LEXIS 64622, at *3 (D.N.J. Aug. 30, 2007); Bostic v. AT & T of the V.I., 312 F. Supp. 2d 731, 733 (D.V.I. 2004). Again, not surprisingly as you completely either just mentioned you ignored or changed the facts, ignored proper law and more. A reconsideration is also appropriate when a court has "'patently misunderstood a party, has made a decision outside the adversarial issues presented to the Court by the parties, has made an error not of reasoning but of apprehension, or where a controlling or significant change in the law or facts has occurred since the submission of the issue to the Court.'" Broaddus v. Shields, 665 F.3d 846, 860 (7th Cir. 2011); Singh v. George Washington Univ., 383 F. Supp. 2d 99, 101 (D.D.C. 2005); Bank of Waunake v. Rochester Cheese Sales, Inc., 906 F.2d 1185, 1191 (7th Cir. 1990); Rohrbach v. AT & T Nassau Metals Corp., 902 F. Supp. 523, 527 (M.D. Pa. 1995); Above the Belt, Inc. v. Mel Bohannan Roofing, Inc., 99 F.R.D. 99, 101 (E.D. Va. 1983).. "Errors of apprehension may include a court's failure to consider 'controlling decisions or data that might reasonably be expected to alter the conclusion reached by the court.'" Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). All of the above applies. You failed to adhere to not only controlling law, but rules and procedure. The errors of law are clear and that adherence to them would create a manifest injustice.

It does not offer new evidence, it points TO BLACK AND WHITE FACTS AND DOCUMENTS that were disgracefully changed/ignored completely as well, as everything else listed. Such evidence and law " will "reasonably be expected to alter the conclusion reached by

the court" . Shrader, 70 F.3d at 257. See also Smith v. Perlman, 2014 WL (N.D.N.Y.Dec. 19, 2014)[1]:

III. Purported Background

Again you are scum, I don't have an ounce of respect for you, and I say it to your face either there or anywhere. Nobody should and they probably don't. You should be in a cell. Not one fact again appears out of a 26 page complaint. Instead you attempt to change it to a few line fantasy version to fit your evil, biased narrative and motive. It's no shock that you trying to be sneaky and slick with you illegal out of control behavior completely skipped something before this that rips the case from you.

IV. Jurisdiction

Wrong you don't have any two ways, the latter being once again you are **disqualified**. It goes to jurisdiction; subject matter jurisdiction which "calls into question the very legitimacy of a court's adjudicatory authority." Council Tree Comm., Inc. v. FCC, 503 F.3d 284, 292 (3d Cir.2007); very simply, [s]ubject matter jurisdiction is a federal court's `power to adjudicate a case,'" Limbright v. Hofmeister, 566 F.3d 672, 675 (6th Cir. 2009).

V. Recusal Standard

Again the correct standard appears nowhere your latest criminal filing. However it does appear in Plaintiff's. Contrary to what you attempt to claim, again it is not up to your discretion, and the review on all of this is de novo, plenary. United States v. Burns, 526 F.3d 852, 859 (5th Cir. 2008); United States v. Furst, 886 F.2d at 579-80 (3d Cir 1989). Obviously you at all times,

[1] Thus, Plaintiff's motion for reconsideration does not attempt to raise arguments or evidence Plaintiff neglected to put forth earlier, but rather urges the Court to grant due consideration to overlooked evidence Plaintiff presented. Along with his reply papers, Plaintiff filed approximately 185 pages of exhibits, including, inter alia, Defendants' responses to interrogatories, records related to Plaintiff's grievances filed with DOCCS, and various DOCCS internal communications and policy materials. See Dkt. No. 88-3. Such evidence "might reasonably be expected to alter the conclusion reached by the court"..Shrader, 70 F.3d at 257. In the interest of avoiding manifest injustice, Plaintiff is entitled to have the Court consider this evidence. Accordingly, the Court hereby ORDERS that Plaintiff's motion for reconsideration is GRANTED and the Court's Order dated March 13, 2014 is VACATED

aware of the facts relevant to recusal under § **455(b)(1-5**) and it was up to you to self-enforce those statutory provisions. **Wrong, exact opposite Plaintiff explicitly stated all sections of 455 (b).** Like (a) Recusal under 455 (b) is **mandatory,**28 §455(b) He **shall**[2] also disqualify himself in the following circumstances[3]. Section 455 is addressed **directly to judicial officers, here a criminal with a robe requiring them to act sua sponte** when confronted with situations requiring their disqualification. In re School Asbestos Litigation, 977 F. 2d 764, 775 (3d Cir. 1992). Also once again it is not waivable, § 455(e), "no justice, judge, or magistrate judge shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection (b).

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[2] Anderson v. Yungkau, 329 U.S. 482, 485 (1947) ("The word `shall' is `[t]he language of command'."); [W]hen a statute contains the word `shall,' it is `by definition mandatory, and is applied as such.'" In re A.B., 987 A.2d 769, 775 (Pa.Super.2009) (quoting Chanceford Aviation Properties, L.L.P. v. Chanceford Tp. Bd. of Supervisors, 592 Pa. 100, 923 A.2d 1099, 1104 (2007); State v. Swihart, 2013 WL 5739789, ¶ 61 (3d Dist. Union Ohio 2013) (Shall' is defined as `will have to' and is `used to express a command or exhortation' and `to express what is mandatory.'"(quoting Webster's Third New International Dictionary 2085 (2002).

[3] **(1)** Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;.

(2)
Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

(3)
Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;

(4)
He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i)
Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii)
Is acting as a lawyer in the proceeding;

(iii)
Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv)
Is to the judge's knowledge likely to be a material witness in the proceeding.

The fact that you did not do a thing proves again you are biased. A real judge or in this case a criminal with a robe lack of candor about potential grounds for recusal can of course produce an appearance of partiality. In re al-Nashiri, 921 F. 3d 224, 237 (D.C. Cir. 2019) ("Given this lack of candor, a reasonable observer might wonder whether the judge had done something worth concealing."). In fact we know that you most certainly do, a whole lot.

Once again you are currently employed by this fake college direct proof not a purported "artifact", or just employed as the **recent article states CURRENTLY** both a far cry from the perjured "many years"- it's funny you don't state a date though snake. It's also clear you will have some pension or fund as well. Also they have four people named Hillman employed there at least one of them has to be related to you both by common sense and also they could not find any real job anywhere else, it was either with you, this or "Berry" College. That triggers (b)(5). Again you deal, work, are part of them daily with numerous different partnerships and **programs all current some of which you fail to repeat and none that you talk about.**

In regards to the sorry sacks of walking poop that you apparently call law clerks, including this Mueller "career" one, wrong, this alone is more than enough. Hall v. Small Bus. Admin., 695 F.2d 175, 179 (5th Cir. 1983) (law clerks or excuses like here are "sounding boards for tentative opinions" who are "privy to the judge's thoughts in a way that neither parties to the lawsuit nor his most intimate family members may be" such that "the clerk is forbidden to do all that is prohibited to the judge"); Parker v. Connors Steel Co., 855 F.2d 1510, 1525 (11th Cir. 1988) ("We recognize the importance that law clerks play in the decisional process and it is for this reason that a clerk is forbidden to do all that is prohibited to the Judge."); In re Allied-Signal Inc., 891 F.2d 967, 970 (1st Cir. 1989) (law clerks are subject to ethical duties similar to their judges, relationship of clerk to judge itself is close enough to find an appearance of undue

influence.) I point out you have basically admitted that they *are attending* this fake college, not that they just came from there.

Wrong, all a reasonable person in that scenario is the "average" or the "traditional" "man on the street" standard. In re Kensington Int'l Ltd., 368 F.3d 289, 303 (3d Cir. 2004). Again, any reasonable person that examines the facts knows you are biased and prejudiced. See In re Kensington, at302 ("We are confident that the average layperson could grasp this alleged impropriety and, after being fully informed of all the surrounding circumstances, could draw a conclusion about Judge Wolin's ability to render a fair and impartial decision"). Plaintiff is confident that the any reasonable person/ average layperson walking around on the street could grasp your bias after being fully informed of the facts, would draw a conclusion about you inability to render fair and impartial decisions in this case.

Once again a close call or any doubts about a judge's or criminal with a robe's impartiality must be resolved in favor of recusal. United States v. Kelly, 888 F.2d 732, 745 (11th Cir. 1989). "Under the new version of section 455, a judge is under an affirmative, self-enforcing obligation to recuse himself *sua sponte* whenever the proper grounds exist. Section 455 does away with the old "duty to sit" doctrine and requires judges to resolve any doubts they may have in favor of disqualification". Id. Here is is two universe away from being close.

"It is too difficult to detect all of the ways that bias can influence a proceeding" and because public "confidence ... is irreparably dampened once `a case is allowed to proceed before a judge who appears to be tainted."' Al-Nashiri I, 791 F.3d at 79 (quoting In re School Asbestos Litigation, 977 F.2d 764, 776 (3d Cir. 1992). "We cannot permit an appearance of partiality to infect a system of justice that requires the most scrupulous conduct from its adjudicators, for the

appearance of bias demeans the reputation and integrity not just of one [purported] jurist, but of the larger institution of which he or she is a part. In re Al-Nashiri , 921 F.3d 224, 233, 240 (D.C. Cir. 2019); Williams v. Pennsylvania, 136 S.Ct. 1899, 1909 (2016). "Democracy must, indeed, fail unless our courts try cases fairly, and there can be no fair trial before a judge lacking in impartiality and disinterestedness." In re J. P. Linahan, Inc., 138 F.2d 650, 651 (2d Cir. 1943).

CONCLUSION

Get off of this case immediatedly creep.

_J.C._____
J.C.

Dated: April 3rd, 2022